

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JAN 17 2023 ★

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HANG QI LIN,

LONG ISLAND OFFICE

Plaintiff,

-against-

DJ'S INTERNATIONAL BUFFET, INC.;
DING CHEN; and DAVID LIANG a/k/a
DAVID LIAN,

VERDICT SHEET
17-CV-4994 (JS) (AYS)

Defendants.

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Instructions: You must read each question below carefully and answer all of the questions including all subparts of each question. Your decision on each question or subpart must be unanimous.

Question 1. Do you find that Defendant David Liang a/k/a David Lian was Plaintiff's employer?

YES

X

NO

Question 1(a). If you answered "YES" to Question 1, on which dates do you find that Plaintiff was employed by David Liang?

FROM

(Jan)
01/2011

TO

12-01-2014

Question 2. On which dates do you find that Plaintiff was employed by Defendants DJ's International Buffet and Ding Chen?

FROM

01/2011

TO

12-01-2014

If you found that Plaintiff was not employed by any Defendants on or after July 5, 2013, please skip all remaining questions, have the foreperson sign and date this verdict sheet, and advise the Court by note that you have reached a verdict.

If you found that Plaintiff was employed by any Defendants on or after July 5, 2013, please proceed to Question 3.

[Remainder of page left intentionally blank.]

COURT EXHIBIT

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Question 3. Do you find that Plaintiff was not paid minimum wages on at least one occasion on or after July 5, 2013?

YES

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NO

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If you answered "NO," please proceed to Question 4.

If you answered "YES," please calculate the amount of minimum wages to which you believe Plaintiff is entitled, according to the chart below, for the following time periods.

Time Period	Applicable Minimum Wage Rate	Hours Plaintiff Worked	Total Amount Due (Minimum Wage x Number of Hours Plaintiff Worked Each Week x Number of Weeks)	Total Amount Plaintiff Received (Amount Plaintiff was paid each Week, Excluding Tips x Number of Weeks)	Damages (Total Amount Due - Total Amount Plaintiff Received)
July 5, 2013 through December 31, 2013	\$7.25	59.5 (per week)	\$11,215.75	0	\$11,215.75
December 31, 2013 through December 31, 2014	\$8.00	59.5 (per week)	\$22,848	0	\$22,848

Question 4. Do you find that Plaintiff was not paid overtime wages on at least one occasion on or after July 5, 2013?

YES

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NO

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If you answered "NO," please proceed to Question 5.

If you answered "YES," please calculate the amount of overtime compensation to which you believe Plaintiff is entitled, according to the chart below, for the following time periods:

Time Period	Overtime Pay To calculate the overtime pay due, take the regular rate (as defined by the jury instructions) or the applicable minimum hourly wage, whichever is higher, and multiply that by 1.5; multiply that number by the number of hours above 40 worked each week.
July 5, 2013 through December 31, 2013	\$ 5,513.63
December 31, 2013 through December 31, 2014	\$ 11,232

Question 5. Please calculate the amount of "spread of hours" compensation to which you believe Plaintiff is entitled according to the chart below.

Time Period	Number of Days Plaintiff was not Paid "Spread of Hours"	Applicable Minimum Wage	"Spread of Hours" Damages (Number of days Plaintiff was not paid "spread of hours" x applicable minimum wage rate)
July 5, 2013 through December 31, 2013	129	\$ 7.25	\$ 935.25
December 31, 2013 through December 31, 2014	240	\$ 8.00	\$ 1,920.

[Remainder of page left intentionally blank.]

Question 6. Did Plaintiff prove, by a preponderance of the evidence, that he was not provided proper wage statements (a/k/a pay stubs)?

YES X NO

Question 6(a). If you answered "YES" to Question 3, please indicate the number of weeks, after July 5, 2013, that Plaintiff was not provided such statements.

TOTAL WEEKS 74

Question 7. Answer Question 7 only if you find that Plaintiff was employed by Defendants on or after January 1, 2014.

Did Plaintiff prove, by a preponderance of the evidence, that he was not provided with the required wage notice on or before February 1, 2014?

YES X NO

Question 8. Answer 8 Question only if you have found that Plaintiff did not receive all wages (i.e., minimum wages, overtime pay, or "spread of hours" pay) to which he is entitled.

Did Defendants prove, by a preponderance of the evidence, that they had a good faith basis to believe any underpayment of wages to Plaintiff was in compliance with the law?

YES NO X

Question 8(a). If you answered "YES" to Question 8, please indicate which payments were not made to Plaintiff because Defendants had a good faith basis to believe such underpayments were in compliance with the law:

Minimum Wages

Overtime Compensation

Spread of Hours

Foreperson, please sign and date this Verdict Sheet and advise the Court by note that you have reached a verdict.

Dated: January 17, 2023
Central Islip, NY

Natalia de Cuba
FOREPERSON